

APPROVED: Meeting No. 29-96

ATTEST: *Paula Jewell*

MAYOR AND COUNCIL  
ROCKVILLE, MARYLAND  
Meeting No. 22-96

May 13, 1996

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on May 13, 1996, at 7:34 p.m.

PRESENT

Mayor Rose G. Krasnow

Councilmember Robert E. Dorsey

Councilmember James T. Marrinan

Councilmember Glennon J. Harrison

Councilmember Robert J. Wright

In attendance: City Manager Rick Kuckkahn, City Clerk Paula Jewell and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The City's Redgate Golf Course is hosting the U.S. Open Local Qualifying Tournament. Sixty-seven golfers are entered into this prestigious U.S.G.A. Tournament which teed off at 8 a.m. this morning. The top finishers in the 18-hole qualifying tournament will play in the U.S. Open Sectional Qualifier on June 3 at Woodmont Country Club, and some players may result in qualifying for this year's U.S. Open at Open Hills Country Club in Birmingham, Michigan.

2. The 8th Annual Hometown Holidays celebration will include an old fashioned jubilee during Memorial Day weekend. Everyone is encouraged to come out and enjoy the free concerts by Three Dog Night, John Caferty and the Beaver Brown Band, and the National Chamber Pops Orchestra. Memorial Day will mark Rockville's

fifty-second parade and ceremonies. Hometown Holidays is presented by the Mayor and Council, Rockville Chamber of Commerce, Rockville Jaycees and American Legion Post 86. To salute the F. Scott Fitzgerald celebration, a jazz concert will be held in the Middle Lane parking lot on Sunday, May 26.

3. Members of the Mayor and Council and the Human Rights Commission participated in the 21st Annual NAACP Freedom Fund Dinner on April 28. The event was emceed by WRC Radio Talk Show Host Joe Madison, and the Keynote address was presented by the Honorable Kweisi Mfume, President and CEO of the NAACP.

4. The third annual Rockville Arts Place "Arts For A Steal" Fundraiser is scheduled for May 17. Tickets for this very popular event are on sale for \$100.

5. Peerless Rockville's Progressive Dinner is scheduled for May 18. Reservations are required for this popular annual event which is also part of the F. Scott Fitzgerald Centennial Celebration this year.

6. Mr. Kuckkahn thanked the College Gardens and Woodley Gardens neighborhoods for their active participation in the Mayor and Council's May 4th Walking Town Meeting. The Mayor and Council had an opportunity to review a variety of issues which affect those neighborhoods, and they welcomed the opportunity to address questions and concerns. The next Walking Town Meeting is scheduled for Saturday, June 8 with the Montrose Civic Association.

7. National Night Out celebrations are scheduled for Tuesday, August 6, 1996. Neighborhoods that are interested in participating in this popular program should contact the Police Department as soon as possible to register their neighborhood celebrations.

Re: Proclamation declaring May 30,  
1996, Memorial Day, as  
**ROCKVILLE POPPY DAY.**

Proclamation No. 9-96

By a unanimous vote of the Mayor and Council, May 30, 1996 was declared "Rockville Poppy Day" in Rockville. Upon the request of the Mayor, Councilmember Marrinan read the Proclamation, the full text of which can be found in the Mayor and Council's 1996 Proclamation File. The Proclamation was presented Rae Noyes and other members of Henderson Smith Edmonds Unit No. 86, American Legion Auxiliary. The 1996 Poppy Girl, Melissa Zetts, distributed poppies.

Re: Recognition and presentation of  
Certificates to Richard  
Montgomery High School State  
Championship Odyssey of the  
Mind Team.

Councilmember Wright, joined by members of the Mayor and Council, presented Certificates of Congratulations to the following Richard Montgomery High School State Championship Odyssey of the Mind Team members: Sara Cox, Lauren Kovarsky, Kyle Ledbetter, Deborah Resnick, Claire Schwartz, Sabra Thorner, Rebecca Weitz, and Coach Loren Baron.

Re: Presentation of Key To The City  
to Dickran and Viola Hovsepien.

Mayor Krasnow and members of the Council presented a Key To The City to two long-time and dedicated residents of the Rockville community. Dickran Hovsepien served as Mayor from 1954-1958. Mayor Krasnow commented that Mr. Hovsepien was instrumental in implementing the "good government" that Rockville is known for today.

Citizens For Good Government started because of Dick Hovsepien's efforts and some specific incidents which triggered his interest in government in Rockville. Mayor Krasnow said that Dick was instrumental in the City being designated as the All America City. Mr. Hovsepien is also the City's best historian, and Mayor Krasnow said that a valid suggestion was made that the City sit down over the next month and talk to Dick about the history of the Rockville.

Mayor Krasnow said that Viola Hovsepien served as Councilmember from 1982-1984 and from 1987-1991. She also served as the first woman Mayor of Rockville in 1984-1985. Mayor Krasnow commented that The Hovsepiens were retiring to Florida in August 1996. She said that the Hovsepiens were great mentors for her and they would be truly missed in the City.

Councilmember Marrinan said that he and his wife Cynthia enjoyed the Hovsepiens at many social events. He also said that he especially enjoyed serving with Vi (although he never had the opportunity to serve with Dick), and he said that they left a legacy of excellence in Rockville for the City government. Both had served as elected City officials and they were examples of community leadership at its best. They championed honest, cost-efficient government and they encouraged a high degree of citizen participation in all city activities. Mr. Marrinan said that while they certainly deserved their retirement in Florida, the Hovsepiens and their advice will be missed.

Councilmember Dorsey thanked the Hovsepiens for the example they had set for the Twinbrook community. Mr. Dorsey said in the 25 years he has been a resident of Twinbrook, the Hovsepiens have been the example of what local government is supposed to be. He said he remembered the moment he received a nod of approval from

Vi when he first decided to participate in the community. He thanked Vi and Dick for the inspiration they were to him, and he said it was a real thrill to hear one's name endorsed by the voice of someone, who he had a great deal of respect for. Mr. Dorsey thanked the Hovsepian for inviting him to participate in Rockville government.

Re: Proclamation Declaring May 18-24, 1996 as **SAFE BOATING WEEK.**

Proclamation No. 10-96

By a unanimous vote of the Mayor and Council, May 18-24 was declared "Safe Boating Week" in Rockville. Upon the request of the Mayor, Councilmember Harrison read the Proclamation, the full text of which can be found in the Mayor and Council's 1996 Proclamation File. The Proclamation was presented to Commander Frank Leone of the Rockville Power Squadron. Barbara Schantz, Harold Lieberman, Robert Swain, Art Wykes and Robert Goley were also present representing the Rockville Power Squadron.

Re: Proclamation recognizing June 1996 as **LESBIAN, BISEXUAL, TRANSGENDER AND GAY PRIDE MONTH.**

Proclamation No. 11-96

By a unanimous vote of the Mayor and Council, June 1996 was declared "Lesbian, Bisexual, Transgender and Gay Pride Month" in Rockville. Mayor Krasnow read the Proclamation, the full text of which can be found in the Mayor and Council's 1996 Proclamation File. Lloyd Leifer, of the Gay and Lesbian Interest Consortium of Montgomery County accepted the Proclamation.

Re: Proclamation Declaring May  
1996 as **OLDER AMERICANS  
MONTH** in the City of  
Rockville.

Proclamation No. 12-96

By a unanimous vote of the Mayor and Council, May 1996 was declared "Older Americans Month" in Rockville. Upon the request of the Mayor, Councilmember Dorsey read the Proclamation, the full text of which can be found in the Mayor and Council's 1996 Proclamation File. The Proclamation was presented to Bob Mentzer, Chairman of Rockville Seniors, Inc.

Re: Proclamation Recognizing June  
1, 1996 as **STAND FOR  
CHILDREN DAY**--a national  
day of renewal, celebration and  
commitment.

Proclamation No. 13-96

By a unanimous vote of the Mayor and Council, June 1, 1996 was declared "Stand For Children" in Rockville. Upon the request of the Mayor, Councilmember Marrinan read the Proclamation, the full text of which can be found in the Mayor and Council's 1996 Proclamation File. The City Clerk was directed to send the Proclamation to the U.S. Conference of Mayors, who endorsed June 1st as a national day of recognition.

Re: Proclamation recognizing May  
12-18, 1996 as **HISTORIC  
PRESERVATION WEEK.**

Proclamation No. 14-96

By a unanimous vote of the Mayor and Council, May 12-18, 1996 was

declared "Historic Preservation Week" in Rockville. Upon the request of the Mayor, Councilmember Harrison read the Proclamation, the full text of which can be found in the Mayor and Council's 1996 Proclamation File. The Proclamation was presented to Sima Osdoby, President of Peerless Rockville Historic Preservation, Ltd. Ms. Osdoby thanked the Mayor and Council for the Proclamation and said that the theme for the 1996 Preservation Week is "Preserve Community" and she said that the true work of historic preservation occurs at the community level with community organizations and a complex network of environment, people, relationships, and traditions and by preserving historic buildings and integrating them into the daily life of the community which enriched everyone who lived and worked in Rockville. Ms. Osdoby then announced the next agenda item; the presentation of Peerless' Annual Awards for Historic Preservation.

Re: Presentation of Peerless  
Rockville's 17th Annual Awards  
for Historic Preservation.

Ms. Osdoby thanked the awards committee and the members of Peerless Rockville Board of Directors. The Committee members, who worked hard to develop the awards selections were introduced: Chair of the Committee Stacy Wood, and members Gary Funkhouser, Helen Heneghan, Julia McBee, Peg Sante, and Anne Taylor. Ms. Osdoby introduced members of Rockville's District 17 Delegation, who presented the following awards. Senator Jennie Forehand presented an award to James Whalen & Insurance Associates for restoration, renovation and revitalization of a commercial landmark in the Third Addition to Rockville Historic District at the former Wire Hardware Store.

Delegate Cheryl Kagan presented an award to Lori Barnet and Bill Duncan

for restoration of the former Episcopal Rectory, a historic residence on West Montgomery Avenue.

Delegate Mike Gordon then presented an award to Senior Warden George Wolohojian, who accepted on behalf of Christ Episcopal Church. The Church was awarded for creating a memorial garden and columbarium in the South Washington Street Historic District.

Ms. Osdoby reminded everyone of the Progressive Dinner House Tour on Saturday, May 18th. She also noted that Peerless Rockville was pleased to be receiving two awards on May 15th from Montgomery Preservation, Inc. Ms. Osdoby said that Peerless Rockville's Web Page which could be accessed directly off of Rockville's Web Page or by addressing [HTTP:\\MILLKERN.COM\\PEERLESS](http://MILLKERN.COM/PEERLESS).

Re: Citizens Forum

1. Burt Boline, Rockville Optimist Club and Chair of the 1996 Public Safety Awards Program, invited the Mayor and Council and Rockville residents to attend the Public Safety Luncheon on June 11 at Lakewood Country Club. He noted that this year's guest presenters were Channel 9's J.C. Hayward and Mike Buchanan. Other organizations involved in the event were the Rockville Rotary Club, Rockville Kiwanis, Washington/Rockville Elks Lodge, American Legion Post 86, Mason Lodge 195, along with cooperation from the City of Rockville, Rockville Chamber of Commerce, Rockville Gazette and the Twinbrook Citizens Association.

2. George Wolohojian, Senior Warden, Christ Episcopal Church recognized members of the team who were part of the historic preservation project on the Church's garden. Jim Morris, Director of the project introduced Junior Warden Peg Hinkey,



Robert Pack, Jr., President of the garden nurseries, and David Post, the landscape architect for the project. Mr. Morris sadly noted that Robert Pack, Sr., the builder of the project, recently passed away and said there was a marker in his memory placed in the gardens.

3. Bill Meyer, 804 Leverton Road noted Consent Agenda Items G and H and asked if the bid awards were for amounts not to exceed or were they for a specific number of tree and stub removals. Mr. Kuckkahn confirmed that the bid awards were for services to be performed on a contract basis, not to exceed the amount listed, and he said that the contract was a unit cost contract for service performed.

Regarding Agenda Item #24, Mr. Meyer clarified a point he made in a letter to the Mayor and Council regarding the change in storm water policy within the City. He said that with the King Farm development and its comprehensive SWM concept plan, it was appropriate to not enforce the current 10/2 policy because much of Rockville was developed before SWM was implemented. Mr. Meyer said by having a higher requirement than even the State required, the City was compensating for areas where there was no SWM in the past because development had already occurred.

Re: Appointment

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Helen Heneghan was appointed to serve on the Economic Development Council.

Re: Approval of Minutes

Upon motion of Councilmember Wright, duly seconded and unanimously passed, with Councilmember Marrinan abstaining, as he was absent from the March 25 meeting, the Minutes of Meeting No. 12-96 (March 25, 1996) were approved as amended.

Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Minutes of Meeting No. 13-96 (April 2, 1996) were approved as amended.

Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, the Minutes of Meeting No. 14-96 (April 8, 1996) were approved as amended.

Re: Consent Agenda

Councilmember Marrinan requested the removal of Item J; Councilmember Wright requested removal of Items B and H; Councilmember Dorsey requested removal of Item I; and Mayor Krasnow requested the removal of Items A and B. Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the following items were approved:

- (C) Award of Bid #60-96  
To: Search Net, Inc.  
Of: Fairfax, VA  
In the amount of: a contingent fee of 25% of savings received for the City.

For: Telephone Auditors

- (E) Award of Bid #68-96  
To: Marotta Enterprises, Inc.  
Of: Gaithersburg, Md  
In the amount of \$33,800

For: City Hall Janitorial Services

- (F) Award of Bid #70-96  
To: Global Pest Management  
Of: Laurel, Maryland  
In the amount of: \$28,410

For: Pest Control Services for all City Facilities

- (G) Award of Bid #73-96  
To: C&D Tree Services

Meeting No. 22-96

11

May 13, 1996

Of: Fairfax, Virginia  
In the amount of: \$95,660

For: Tree Pruning Services

Re: Item (A) - Award of Bid #8-94  
To: Tank Industry Consultants, Inc.  
Of: Baltimore, Maryland  
In the amount of: \$72,550

For: Construction inspection services, air and soil monitoring, contract administration, shop drawing review and neighborhood outreach services for rehabilitation of the Carr Avenue Water Tank.

Regarding Item A, Mayor Krasnow noted that the Bid award was for construction inspection services on the water tank located on Carr Avenue. She said the project to rehabilitate the tanks would have a significant neighborhood impact, because studies found that the tanks contained lead which is a hazardous material to remove. The Mayor asked for assurance that staff was notifying and meeting with the neighborhoods to explain the procedures involved. Mr. Kuckkahn confirmed that staff was taking a number of measures to ensure that the lead removal would not be harmful to residents or create an environmental problem. Staff was putting into place a monitoring system and the construction process would include the complete covering of the tanks which contained lead paint. Mayor Krasnow asked that staff also include Beall Elementary School in the neighborhood notification process.

Upon motion of Mayor Krasnow, duly seconded and unanimously passed, Bid #8-94 was awarded to Tank Industry Consultants, Inc.

Re: Item (B) - Award of Bid #38-96  
To: G. L. Cornell Company

Of: Gaithersburg, Md.  
In the amount of \$45,648

For: Purchase of two fairway mowers  
for the Golf Course Division.

Mayor Krasnow requested removal of the Item, to note that there was a typographical error in the agendas mailed to the public; the incorrect amount of the Bid Award noted on those agendas was \$54,648, and the correct amount of the Bid Award should have been \$45,648. Upon motion of Mayor Krasnow, duly seconded and unanimously passed, Bid #38-96 was awarded to G.L. Cornell Company.

Re: Item (D) - Award of RFP #61-96 to  
three firms as follows:

- 1) Development Facilitators, Inc.
- 2) CTL of Virginia, Inc.
- 3) EBA Engineering, Inc.

For: Supplemental consultant  
construction inspection and testing  
services. The contract value shall not  
exceed \$60,000 for FY96 and \$75,000  
in FY97.

Councilmember Wright noted that Items D and H were bids for time and material, and he asked how staff established an overall value of the contracts, when the bid was selected based on time and material. Civil Engineer Mike Wilhelm explained that each Bid Award was based on the budgeted amounts, and the specifications were put together for Item D using an hourly manpower service contract. Upon motion of Councilmember Wright, duly seconded and unanimously passed, RFP #61-96 was awarded to (1) Development Facilitators, Inc.; (2) CTL of Virginia, Inc.; and (3) EBA Engineering, Inc.

Re: Item (H) - Award of Bid #75-96  
To: Pogo Tree Experts  
Of: Olney, Maryland  
In the amount of: \$64,762.50

For: Tree and Stump Removal Services

Regarding Item H, Councilmember Wright asked if the Bid award was also specified on a time and material basis. Recreation and Parks Director Burt Hall confirmed that the bid was based on a unit cost and an estimated number of tree and stump removals that the City had each year. Each unit price was multiplied by the same number of removals which resulted in the requirements contract. Mr. Hall said that staff provided the contractor with the estimated number of removals anticipated in a given year and the bidders provided the City with a total cost based on that estimated number. Mr. Hall said that the system requiring everyone to bid on the same number of removals, provided staff with a way to compare the bids. He said the process also provided staff with an outside number that could be spent "up to" in each contract year. Mr. Hall said that the outside number was set so that staff could control the budget and total spending for the work.

Upon motion of Councilmember Wright, duly seconded and unanimously passed, Bid #75-96 was awarded to Pogo Tree Experts.

Re: Item (I) - Approve additional funding of \$33,525.00 to complete contract closeout with Corfu Contractors, Inc. Bid 18-96, Rehabilitation of Interior of Talbott Street Water Tank was awarded to Corfu Contractors, Inc. for \$121,800.00 on August 7, 1995.

Councilmember Dorsey requested removal of Item I to inquire if the

expenditures for the additional funding of the two projects was from the Enterprise Fund. He noted that his question was confirmed with the discussion of Item A. Upon motion of Councilmember Dorsey, duly seconded and unanimously passed, additional funding of \$33,525 was approved to complete contract closeout with Corfu Contractors, Inc. Bid 18-96, Rehabilitation of Interior of Talbott Street Water Tank was awarded to Corfu Contractors, Inc. for \$121,800.00 on August 7, 1995.

Re: Item (J) - Receipt of financial reports summarizing the results of City operations for the period from July 1, 1995, through March 31, 1996.

Councilmember Marrinan requested removal of the Item in order to point out a statement noted in the Financial Report: "Real Estate property taxes of \$13.7 million dollars were levied in July and were down 0.3 percent from last year's levy. Since then appeals have been granted further reducing the levy by \$256,000. Last year, appeals ultimately reduced the original levy by \$384,000. Overall, property tax receipts were running about 7 percent below last year's pace." Councilmember Marrinan said that for the past many years, the Mayor and Council have pointed out that assessments on real estate property in the City were declining and this resulted in less tax revenues for the City. He said that this was a continuing problem and one that was causing the Mayor and Council some concerns. He said that during the budget presentation, the City Manager would point out what the statistics meant and how the assessment appeals will affect the City. Mr. Marrinan said that there was some good news that most of the gap in the amount of cash flow and tax receipts coming to the City was expected to close by June, leaving the year's receipts down slightly from the level of those in 1995.

Intergovernment revenues and income taxes were continuing to grow demonstrating employment stability within the community. Mr. Marrinan said that the City was getting its fair share of income tax refunds from the State which he said helped to balance out the limited tax revenue coming to the City. Mr. Marrinan noted that the property tax assessments were a problem for the City's long term viability, and he said that the redevelopment of downtown Rockville and the efforts on the King Farm would have to occur in order to maintain the long term viability of the City. Without objection, the Financial Reports summarizing the results of City operations for the period from July 1, 1995, through March 31, 1996, were received.

Re: Presentation of Fiscal Year 1997 Budget  
and Capital Improvements Program  
(CIP).

Mr. Kuckkahn presented an overview of the recommended budget for the Fiscal Year beginning July 1, 1996. The Fiscal Year 1997 Budget included no change from the current property tax rate of 82 cents per \$100 of assessed value. Mr. Kuckkahn noted the use of new computer technology to present graphics of the 1997 Budget and CIP, for the benefit of television viewers.

Mr. Kuckkahn explained that this year, the budget process was based more than ever on community preferences, and he said that staff made a conscious effort to involve and react to citizen suggestions based on the Mayor and Council's clearly stated goal of involving neighborhood leadership, residents, and the business community. Mr. Kuckkahn explained the following concepts of the FY97 Budget:

Positioning for the Future

Mr. Kuckkahn said that this was the City's 7th year of a "hold the line"

budget and staff positioned for the future by keeping the basic service programs intact that Rockville citizens have come to expect without increasing the budget. The City's 82 cent tax rate remains the same for the 3rd year in a row, and Mr. Kuckkahn said that positioning the City for the future was a priority in the budget preparation process which staff accomplished in several ways:

- The City's smoothseal program was returned to the operating budget where it belonged in order to reinforce the City's financial stability for meeting New York bond rating agency requirements and helping ensure a continuation of Rockville's excellent bond rates which are sold in the years ahead.
- A significant investment in computer technology was proposed with the replacement of old equipment with a Wide Area Network (WAN) to replace mainframe functions. In addition, new personal computers will replace older model 286 technology, and client server software will be added. In order to achieve the Mayor and Council's goal of positioning Rockville to become an "electronic village," funding is provided to give citizens virtually unlimited electronic access to what is happening in and around Rockville.
- Funding was included for the Mayor and Council's initiative to embark on a community visioning process which will guide the City into the future. Economic development, with a sensitivity to community standards, is the key to positioning our economic future. A public private corporate partnership is funded to fully support that effort. Private funds may also be anticipated for the corporation and a symposium is scheduled to take place in mid-June to begin the process of creating the corporation.

#### Rockville's Revenue Stream



Mr. Kuckkahn explained that over half of the City's revenue stream was derived from property taxes. Nearly 25 percent was in the form of intergovernmental revenues from Federal grants, Rockville's police protection grant, income taxes, gas and motor vehicle taxes, admissions and amusements and our tax duplication rebate from the County. Charts were displayed showing revenues for FY 1997 and a comparison chart of last years numbers illustrated a decline in property tax revenues and a slight increase in intergovernmental revenues. Projected revenues for Fiscal Year 1997 will only be about \$707,000 over Fiscal Year 1996 revenues. Mr. Kuckkahn said that approximately half of the funds were spent on employee salaries and benefits because the City of Rockville was labor intensive. An additional 30 percent is spent on the overhead and tools used by the work force used to perform their jobs. The enterprise fund increased by only 3.6 percent.

Mr. Kuckkahn displayed graphs tracking assessed values in commercial and residential real estate and he pointed out that it was important for the City to attract and retain business. Commercial assessed values were declining for a variety of reasons, some beyond the City's direct control. He said that the City must encourage State and County involvement in the economic development arena. A slight increase in residential assessed valuations has been noted; however, Mr. Kuckkahn said that if the tax rate were increased, the residential real estate market would be impacted greater than the commercial sector.

Key Rates for FY 1996 - FY 1997

Mr. Kuckkahn noted the proposed key rates for FY 1997:

- \$.82 Tax Rate per \$100 of assessed value (same as FY 1996)

- \$1.48 Water Rate per 1,000 gallons (\$1.42 in FY 1996)
- \$2.56 Sewer Rate per 1,000 gallons (same as FY 1996)
- \$21.00 Refuse Rate per month (same as FY 1996)

Also displayed were charts detailing total comparison costs from FY 1996 to FY 1997 and percent changes for single family households and businesses owning real property.

Mr. Kuckkahn said that the water rate increased by 6 cents in order to finance several rehabilitation projects needed as a result of unfunded mandates requiring rehabilitation of the aging water plant. Mr. Kuckkahn said that all the other rates, including the tax rate, remained the same, and he noted that the City was able to achieve this only through the Mayor and Council's and citizens' willingness to try new and better ways of doing things. Mr. Kuckkahn said that when discussing the stability of the tax rate over time, it was important to also recognize the City work force who have demonstrated the drive to "work smart" and provide a tremendous amount of quality service.

#### Capital Improvements Program

Mr. Kuckkahn highlighted the following features of the Capital

#### Improvements Program:

- The CIP will support continued Town Center development, and the City recognized the importance of public-private partnerships in placing new roads and sidewalks and in developing vacant parcels of land.
- New recreation facilities are proposed to provide neighborhood focus and stability, which Mr. Kuckkahn said was a significant statement about the importance the City places on every neighborhood in Rockville.

- With storm management plans in place, an efficient and cost effective system is anticipated to help ensure that a quality environment is passed on to future Rockville residents.

Mr. Kuckkahn noted that copies of the full proposed budget as well as executive summaries were available from City Hall.

The Mayor and Council expressed their pleasure with the Fiscal Year 1997 Budget and Mr. Kuckkahn's budget presentation. Appreciation was also expressed to the staff for their efforts in preparing the budget. Mayor Krasnow noted that two budget public hearings have been scheduled on the proposed budget; on May 28th, and on June 4th, and she said that adoption of the FY 1997 Budget was scheduled for June 17th.

Re: Introduction of Ordinance to appropriate funds and levy taxes for Fiscal Year 1997.

The Ordinance sets the operating and capital budgets for Fiscal Year 1997. The proposed property tax rate is 82 cents per \$100 of assessed valuation.

Upon motion of Councilmember Marrinan, and without objection, the Ordinance establishing the operating and capital budgets for Fiscal Year 1997, was introduced.

Re: Introduction of Ordinance to amend Section 24-46 of the Rockville City Code, entitled "Water Consumption Charge."

The amendment to the Ordinance increases the rate from \$1.42 to \$1.48 per thousand gallons of consumption, effective July 1, 1996.

Without objection, the Ordinance increasing the rate from \$1.42 to \$1.48 per thousand gallons of consumption, effective July 1, 1996, was introduced.

Re: Adoption of Resolution to approve a request for a waiver of the requirements of Chapter 21 of the Rockville City Code to allow a right-of-way width on Baltimore Road narrower than that normally required for primary residential streets.

Resolution No. 5-96

Councilmember Wright noted the different widths of the right-of-way and he asked if the standard varied with the type of road. City Traffic Engineer Joe Cutro explained that the standardized right of way varied with the classification of the street, and for primary residential streets, such as this one, the standard right of way width should be 70 feet. He said that secondary residential streets could be 50 or 60 feet depending upon whether the street was a through street or a cul-de-sac. However, he said that a 60 foot right of way would be adequate for any anticipated uses for the road.

Councilmember Dorsey requested that staff encourage Montgomery County to make some type of improvements to address the visibility problem caused by the blind curve westbound of Baltimore Road. Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Resolution was approved. A copy of the full text of the Resolution may be found in Resolution Book No. 11.

Re: Adoption of Ordinance to Grant Street Closing and Abandonment Application SCA95-0071, as expanded, Catherine and Robert Gale, Applicants.

To close and abandon a portion of an unimproved alley on S. Van Buren Street near W. Argyle Street.

Ordinance No. 5-96

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Ordinance to grant Street Closing and Abandonment Application SCA95-0071, as expanded, was adopted. A copy of the full text of the Ordinance may be found in Ordinance Book No. 19.

Re: Adoption of Ordinance to grant Application to Close and Abandon Public Way SCA95-0072. Congressional North Associates, Applicants.

To close and abandon a portion of a service drive along Rockville Pike on the Congressional North frontage.

Ordinance No. 6-96

Mayor Krasnow inquired what would it mean if the City already abandoned the right of way and for some reason, the shopping center project did not go through as proposed, e.g., the existing strip center were to remain. Mr. Glasgow said the abandonment was connected to site plan approval and there was language in the Ordinance that the abandonment Ordinance would not become effective until recordation of the following took place: (1) the abandonment Ordinance, (2) an easement (filed by the

applicant) acceptable to all utility providers to allow access and maintenance of existing facilities, and (3) a new public service drive easement at the location specified in the Use Permit and Final Record Plat. Upon motion of Councilmember Harrison, duly seconded and unanimously passed, the Ordinance to grant Application to Close and Abandon Public Way SCA95-0072, was adopted. A copy of the full text of the Ordinance may be found in Ordinance Book No. 19.

Re: Adoption of Ordinance to Grant Text Amendment Application TXT96-0152, as amended, GFS Realty, Inc., Applicant.

To amend the Zoning Ordinance to add uses to the C-1, Local Commercial Zone.

Ordinance No. 7-96

Upon motion of Councilmember Wright, duly seconded and unanimously passed, the Ordinance to Grant Text Amendment Application TXT96-0152, as amended, was adopted. A copy of the full text of the Ordinance may be found in Ordinance Book No. 19.

Re: Adoption of Resolution to  
✓ Authorize the City Manager to execute a cooperation agreement with Montgomery County under the Federal Community Development Block Grant Program (CDBG) for fiscal years 1997, 1998, and 1999.

The City will then continue to receive its CDBG funds through Montgomery County on a "pass through" basis.

Resolution No. 6-96

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the Resolution authorizing the City Manager to execute a cooperation agreement with Montgomery County under the Federal Community Development Block Grant Program (CDBG) for fiscal years 1997, 1998, and 1999, was adopted. A copy of the full text of the Resolution may be found in Resolution Book No. 11.

Re: Discussion and Instructions to  
Staff - Comprehensive Planned  
Development Application  
CPD95-0002, Helios/Towle,  
LLC Applicant.

Proposal to develop the 430-acre  
King Farm proposal with 3,200  
housing units, 125,000 sq. ft. of  
neighborhood retail, and  
approximately 3 million sq. ft of  
commercial development.

Mayor Krasnow noted that she had a number of questions which pertained to each of the three matters related to the King Farm. She asked that in the future, staff place the Text Amendment and Street Closure and Abandonment Applications for consideration before the Comprehensive Planned Development Application. The Mayor and Council discussed the following issues.

Parking Issues

Councilmember Wright said that there have always been a set of streets in the development that were public and then there were another set of streets which were considered to be private and were referred to "alleys." He asked whether the remaining streets were to be public or private. Mr. Kuckkahn said the developer was initially talking

about private streets that would be under the developer's control. He said that his impression was that the developer could go either way, however their primary interest is to have parking spaces allocated against the development allowed on the street. Mr. Wright said he wanted to make sure the middle grade or category of streets were still being proposed as private streets.

Mayor Krasnow said that she thought the applicant would prefer that the streets be public in order to give some continuity to maintenance and snow removal. She said some issues were raised, e.g., the parking of recreational vehicles, in relation to the streets being designated as public streets, and the City had not traditionally allowed on-street parking on public streets. She said this was one of the issues which would have to be debated before the CPD was approved.

Ms. Sears said that certain roads would be public: Gaither Road, Piccard Drive, Redland Road, Indianola Road, Pleasant Road to its intersection with the first internal property road, and Gude Drive. The rest of the roads did change from public to private because of the problem associated with being able to count on street parking toward the required parking. If the Text Amendment allowing parking on public streets is not passed, then the developer would request that the streets (with the exception of those noted), be private streets because the applicant had a right to request that they be private and they could count towards the parking requirement. Ms. Sears said that the roadways within the single family detached area would be public roads and they would not count against the required parking.

Councilmember Dorsey said that after the developer left and the homeowner associations came in, there would have to be some clear, strict signage regarding parking.



He also said that there might be additional discussion about the parking issue because the policies had to be clear and practical in order to apply.

Mayor Krasnow said she was more concerned about the percentage of parking that will be allowed on-street and that residents have adequate parking spaces. Ms. Sears said that the applicant was suggesting that there be an overall, cap for the entire comprehensive development, of no greater than 16 percent to satisfy the needs of the development. In trying to break the percentage down into various blocks, there would be no more than 45 percent of the required parking for any given block.

Councilmember Harrison asked how many internal streets would be required for private parking, and he asked if it would affect almost all of the internal streets. Ms. Sears said it did not affect all of the internal streets. Mr. Harrison said that his problem with the concept was that part of the parking requirement was being off-loaded onto what were proposed to be public streets, and it appeared that the developer was short on parking. Perhaps the parking requirement was too high, however, he said it appeared that the Mayor and Council were addressing the issue by accepting a permanent imposition of private parking on public streets. He said that he did not understand why the streets should be public and he said that he would prefer to see the streets remain private streets, but he wondered whether it would be possible for dedications to occur of other streets e.g., in the single family residential areas. There was no on street parking requirement needed and all of the streets could be dedicated; there was also no private parking requirement to be met on the business streets, and Mr. Harrison said that they could also be included.

Councilmember Wright said that from a practical point of view, it was

possible to have a street run through attached neighborhoods and then go into a neighborhood that was detached. Mr. Kuckkahn said that the City had cooperative agreements with the County and State where the City and County will plow some streets for each other. He said that the level of detail regarding maintenance of the streets was one issue that was easily achievable and could be worked out. Mr. Kuckkahn noted that covenants could be written to apply to all the private streets that would give emergency vehicles the right of ingress and egress in order to render public service.

Councilmember Marrinan said that the difficulty he had with the issue of public versus private streets was that the City of Rockville prided itself on excellent services. The difficulty with private streets was that the burden to maintain the streets was on the homeowner association. He said there was a huge financial cost involved with this especially with the recent winter just experienced. Some homeowner associations don't finance themselves well enough to handle this type of responsibility and by going private on certain streets, the City was setting up the potential for pockets of the King Farm area to not have the level of services that the City prided itself on maintaining.

Ms. Sears commented that in the last 15 years, there had been tremendous advances where association areas set up communities with prepared documents that established funding of reserves to handle these problems. Mayor Krasnow asked if the master umbrella association would be required to set aside reserves for an operating and capital budget. Ms. Sears confirmed that Helios/Towle, as the controlling entity, would be involved in the beginning of such a start up. Ms. Krasnow asked if the City could require this to be in the governing documents. Mr. Glasgow said that a condition of approval could be included to provide the umbrella organization with covenants subject to

the City's approval), to require adequate capitalization requirements in order to meet future operating and capital requirements for the development. Councilmember Wright said that this was an important issue because if the streets were private, the initial contribution the developer would potentially have to make could be millions of dollars to start the fund. There was potentially a big savings by making the roads public because the developer would not have to make that contribution to the homeowners association.

Councilmember Dorsey said that some thought also needed to be given to where the residents would be able to move their cars when it was time to plow the streets.

Mayor Krasnow expressed concern about the standard used for town house parking, and she asked if the Comprehensive Plan required two spaces. Mr. Glasgow said that staff would ensure that the Ordinance adopting the Comprehensive Plan stated a requirement for two parking spaces per each town house.

Re: Discussion and Instruction to  
Staff - Text Amendment  
Application TXT95-0153,  
Helios/Towle, LLC Applicant.

- To amend the Zoning Ordinance  
to add a new "Medical Center"  
use to the uses permitted in the  
Comprehensive Planned  
Development (CPD) section of  
the Zoning Ordinance, along  
with a new definition and  
parking requirements for this  
use.

Mayor Krasnow noted that the Planning Commission recommended that the Mayor and Council include the term "university affiliated" to deal with the new medical facilities, and that staff did not include the phrase in their recommended language. Ms.

Sears said it was a matter of semantics; the developer proposed a Text Amendment because an original user was university affiliated. The developer specified that the use include but not be limited to, university affiliated.

Ms. Sears noted that there was no attempt to make the medical center an in-patient facility versus an outpatient facility. Ms. Krasnow asked if there was always an assumption that there would be some sort of out patient treatment as opposed to a medical research laboratory. Ms. Sears said it was her understanding that out patient treatment would be a major part of the use. Ms. Sears said that Helios/Towle discussed Councilmember Harrison's points regarding the modification of the process to a special exception. Mr. Harrison said that he asked staff to prepare an analysis of special exception uses in relation to medical centers, and he said that he had not seen the analysis or any language in the briefing materials about how the Text Amendment would read or language which addressed the terms of the special exception. He said that he was also concerned about whether the special exception would be by right since it fell under the medical center category, or if there were limitations that would result in the Planning Commission and the Board of Appeals' final decision. Mr. Kuckkahn said that with Mayor and Council's direction, staff would prepare the Ordinance that would fully spell out what the criteria would be in a special exception use.

Re: Discussion and Instructions to  
Staff - Text Amendment  
Application TXT95-0154,  
Helios/Towle, LLC Applicant.

To amend the Zoning Ordinance  
to change the record plat  
procedures within  
Comprehensive Planned

Developments (CPD) and alter the parking and loading requirements for certain CPD applications.

and

Re: Discussion and Instructions to Staff - Application to Close and Abandon Public Way SCA96-0073, Helios/Towle, LLC Applicant.

To close and abandon Fields Road between Frederick Road (MD 355) and Redland Road.

Referring to page 3 of the staff report, regarding Item 10(a), Mayor Krasnow said that it appeared the City was approving on-street parking in the town house areas which were not currently configured with on street parking and thus allowing vehicles to back out of town houses. Ms. Sears said the safety concern about how access was configured, e.g., where vehicles were backing out, and whether proper site distances and geometrics were present to ensure the safe movement, were part of the review which would take place in the detailed application stage. Ms. Krasnow said that she would like it specified that while it was the City's standard procedure to allow backing out of vehicles in town houses, it might not work in all cases.

Mayor Krasnow noted a letter received from a citizen who wrote that "off street parking on public streets" was an oxymoron; Mayor Krasnow asked if there was any way to reword the phrase to indicate that part of the required parking would be on street. Ms. Sears agreed that this could be done. Ms. Sears referred to a letter dated May 9 suggesting various points to include in the text Amendment, should the Mayor and Council

choose to designate the streets as public. Councilmember Harrison said that he still was concerned about the on site parking requirements which were being off loaded onto public streets. He said he would much rather see a reduction permitted because of the proximity of Metro or the availability of on-site transit.

Mayor Krasnow expressed her concern about whether the anticipated densities were in fact, almost the mandated densities, once Mayor and Council approved the plan. If not, there might be less units than anticipated in one pod area and more in another. Ms. Sears said that there was some flexibility in the shifting of densities, and there was a limitation of the percentage of shifting which could take place. The developer could respond to this concern and provide the Mayor and Council with a summary of how the shifting worked and what the limitations were. Regarding the setback issue for non residential uses, Mayor Krasnow said that she understood once the plan was approved, the Mayor and Council had no authority to require any setbacks. Ms. Sears reassured, with the City Attorney's confirmation, that the standards would be set by the Plan rather than spelled out in a specific fashion by exact footage.

Given the number of issues raised needing further clarification, Mayor Krasnow recommended that the Mayor and Council meet again in Worksession following the Public Hearing on May 20. The Mayor and Council could then give instructions to staff on June 10, and possibly bring the Ordinances back for adoption on June 17. In addition, the Mayor and Council asked for the following:

1. Further information on the amount of linear feet of roadway that would be private streets. (Ms. Sears offered that the developer could bring forth a minimum amount of what would be private and public streets).

2. A list of general pros and cons about public versus private streets. Staff was also asked to provide some idea of what this would mean financially for Rockville.

Ms. Sears offered that if there was a consensus of the Mayor and Council to not go forth with public streets, the developer would withdraw the amendment and settle for private streets, as they did not want this to be the issue which held up the Plan for moving forward. Ms. Sears also said that it would be helpful if the Mayor and Council could give instructions to staff following the May 20th Worksession.

3. What would the percentage number be for required parking, e.g., for garden apartments, if the developer used what was currently in the Code--a 45 percent reduction or a 20 percent reduction.

4. What is the history on staff's recommendation for approving the 25 percent reduction for office underground parking, and what is the benefit to the City.

Mr. Glasgow added that the Mayor and Council may want to address the issue of a PILOT (Payment In Lieu Of Taxes) program. Ms. Sears said that the developer provided a letter dated May 9 on the PILOT issue, suggesting that it would be difficult to try to accomplish a PILOT and in trying to restrict sale or marketability to a non-profit or similar entity, this was not the type of message the owners and clients wanted to send. She said the applicant suggested that another way to address the issue was to focus more effort on the TMD funding by the development side of the equation. They proposed adding to the funding of the TMD by having another additional charge as occupancy permits for the single family detached and single family attached came in and to add for a 5-year period, a yearly assessment on that number of units so that the amount that the developer would contribute to a TMD was increased by approximately 25 percent. The

Mayor and Council said that from the standpoint of the City's tax base, this would not be a trade-off.

Mr. Glasgow said that the medical center text amendment was not as timely as the other issues and he said that this would take some time to flesh out. He suggested that the Medical Center Text Amendment be put aside in order to allow staff and the Mayor and Council to focus on the Comprehensive Planned Development application. Mayor Krasnow agreed with Mr. Glasgow's suggestion.

Re: FYI/Correspondence

1. Councilmember Marrinan commended the Chief of Police for targeting efforts on "hotspot" locations which resulted in a number of citations being issued to speeding vehicles.

2. Mayor Krasnow noted several items of correspondence complimenting the work of staff members Toni Dinsmore and Rocky Reynolds for their help in getting some trees trimmed; Rob Orndorff was recognized for giving a speech on plant systems at the recent Science Fair; and Steve Mader for work he performed on getting some trees removed.

Re: New Business

Mayor Krasnow said that City approved the erection of new poles to provide electrical service for Pepco residents. She noted that the City received a request from Bell Atlantic to use the same poles. Bell Atlantic was instructed to propose a Text Amendment for their use; however, they asked for permission to temporarily locate two telephone poles since a Text Amendment would take some time. Bell Atlantic indicated that they would remove the poles if the future Text Amendment was not approved. Mayor



and Council discussed the issue at length and agreed that the City's adopted policy for placing utilities underground was sufficient and that developers coming into the City were aware of the policy. There was consensus to not grant Bell Atlantic permission to temporarily locate the two poles. Mayor Krasnow suggested that the Science, Technology and Environment Commission look at the issue of undergrounding utilities and look at some of the factors that went into the original decision about undergrounding utility lines in light of whether non-title wetlands make a significant difference for not undergrounding utilities.

Re: Next Meeting

The Mayor and Council will meet in Public Hearing on May 20, 1996 7:30 p.m., for the purpose of taking testimony on the following matters: a Residential Townhouse Development Application RTH96-0017 (which will be postponed to a future date), and Text Amendment Applications TXT96-0155, and TXT96-0156.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting adjourned at 11:28 p.m., to reconvene in Public Hearing at 7:30 p.m., on May 20, 1996, or upon the call of the Mayor.